Public (Services) (1947) Department.

Press SERIES.

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Dated 29. 1. 1941.

[Despatch Abstract.]

Madras Public Service Commission - Annual Report for 1946-47 - Recorded.

GOVERNMENT OF MADRAS.

Public (Services) Department.

G.O.No.2945, 23rd September 1947.

MADRAS PUBLIC SERVICE COMMISSION - Annual Report for 1946-47- Recorded.

READ - the following paper: -

Letter from Sri C.KRISHNASWAMI CHETTI, Secretary, Madras Public Service Commission, to the Chief Secretary to Government, Public (Services) Department, dated the 30th June/4th July 1947, No.2764-A/47-1.

/Madras Public Service Commission - Annual Report for 1946-47/

With reference to rule 18 of the Commission's Rules of Procedure, I am directed to forward the commission's Report for the year 1946-47. Copies of the appendices to which reference has been made in the report, are not being forwarded. They will be forwarded if required.

ENCLOSURE.

REPORT FOR 1946-47

1.PERSONNEL.

Sir John Hall, C.S.I.,C.I.E.,O.B.E., proceeded on leave preparatory to retirement and Sir Sidney Burn, I.C.S. (Retired) succeeded him as Chairman, from 4th July 1946.

Sri Rao Bahadur P.K.Gnanasundara Mudaliyar, Secretary, was appointed as an additional Member of the Commission for work connected with recruitment of war service candidates for one month from 7th August 1946 afternoon and again for another month from 1st October 1946.

Sri Diwan Bahadur T.M.Narayanawami Pillai, Member, proceeded on leave for twenty-three days from 7th September 1946 afternoon and during that period Sri Rao Bahadur P.K.Gnanasundara Mudaliyar acted as Member.

Khan Bahadur. J.Hussain Sahib Bahadur, Member, proceeded on leave from the 1st to the 13th March 1947 and then resigned on his appointment to the Federal Public Service Commission, Sri Rao Bahadur P.K.Gnanasundara Mudaliyar, Secretary acted as Member from the 1st to the 31st March 1947.

II. RECEIPTS AND EXPENDITURE.

Receipts.

1. Fees from candidates who appeared for the competitive examinations (oral or written) conducted by the Commission.	Rs.44099 0 0
2. Fees from candidates who appeared for the Special Departmental Tests conducted by the Commission...	Tests ..Rs.140371 0 0
Total.	Rs.184470-0-0

Expenditure.

1. Pay of Officers...	1,38,993 4 0
2. Pay of establishment.	51,421 10 0
3. Travelling allowance and other compensatory allowances	12,836 9 0

Cont.

4. Dearness allowance	30,930	5	0
5. Advertisement charges	7,605	0	0
6. Remuneration to examiners	29,383	15	0
7. Other contingencies including service postage stamps and expenditure connected with examinations.	21,772	5	5
Total.	2,92,943	1	3

III. VOLUME OF CORRESPONDENCE.

The Commission dealt with 88,934 references during the year against 71,491 reference during the preceding year.

IV. Written Examinations conducted by the Commission

Special Tests.

The Special Tests were held twice, in June and December 1946, and were conducted at 27 centres. There were 5,831 candidates in June 1946 and 5,584 candidates in December 1946 against 6,120 candidates and 5,664 candidates respectively in the corresponding months of the preceding years.

An analysis of the results in these tests in given in Appendix *A

Departmental Tests.

The Departmental Tests were held twice, in June and December 1946 at 25 centres. There were 1,064 candidates in June 1946 and 966 candidates in December 1946 against 1,048 candidates and 1,091 candidates respectively in the corresponding months of the preceding year.

An analysis of the results in these tests is given in Appendix A-2*

Half-yearly Examinations in Law and Languages for Assistant Collectors, Police Officers, etc.

During the year under review, the Commission conducted two examinations one in July 1946 and the other in January 1947. The tests by which the examinationswere conducted, the number of candidates in each of these tests and an analysis of the results are given in Appendix A-3.*

COMPETITIVE EXAMINATIONS.

Clerks etc., in the Madras Ministerial Service, in the Madras Judicial Ministerial service and in the Central Branches of the Madras Secretariat.

For direct recruitment of clerks, etc., to these sevices, a common competitive examination was held in November1946, for which the number of applicants and the number admitted to the examination were 2,279 and 1,846 respectively. On the results of the examinations, 1,552 candidates were selected for appointment as clerks, etc., during 1947. Of these, 1,498 were selected for the Madras Ministerial Service, 51 for the Madras Judicial Ministerial Service and 3 for the Madras Secretariat Service (lower division clerks in the Central Branches). One thousand six hundred and thirty candidates selected in previous years who had not been appointed in the Madras Ministerial Service and the Madras, Judicial Ministerial Service were brought on to the lists of the services concerned for 1947.

An analysis of t e results of the examination with reference to the educational qualifications of the candidates is given in Appendix A.4.*. The percentages of the number selected to the number

number examined were 99.2 per cent of Graduates, 89.8 per cent of Intermediates and 86.1 per cent of Secondary School - Leaving Certificate holders.

The following statement shows the numbers of candidates selected from each community and the percentages which those numbers bear to the total number selected: -

Name of community.	Number selected.	Percentage of the total number selected.
Brahmans	633	40.8
Non-Brahman (Hindu)	683	44.0
Muslims	115	7.4
Christians	91	5.9
Scheduled Castes	30	1.9

All candidates of whatever community who obtained the minimum marks qualifying for selection were selected, including four candidates belonging the Indian States, in respect of whom the Government issued a declaration of eligibility under section 262 (2) of the Government of India Act, 1935. The numbers of candidates available for selection from among the Scheduled Castes, the Muslim the Christians and the Non-Brahman (Hindus) were less than the numbers required from those communities . Candidates of the Brahman community were therefore selected in advance of their turns, but as candidates from even this community were not forthcoming in sufficient numbers, the demands for candidates from some of the appointing authorities could not be met in full.

Typists and steno-typists in the Madras Ministerial Services, the Madras Judicial Ministerial Service and the Madras Secretariat Service.

The recruitment of candidates for the posts of typists and steno-typists in these services was, as usual, made on the results of a common competitive examination which was the same as a portion of that for clerks, etc., referred to in the preceding paragraph. Applicants for the posts of typists and steno-typists who possessed the educational qualifications prescribed for appointment as clerks were given the option of appearing either for the single paper in English composition, or for all the four papers of the competitive examination. Those who appeared for English Composition only and obtained qualifying marks were selected for appointment as typists or steno-typists only . Those who appeared for all the four papers and obtained qualifying marks were selected for appointment as typist or steno-typist and were declared eligible for transfer or promotion to other posts in the above mentioned services on the satisfactory completion of probation as typists or steno-typists.

The number of applicants admitted to the examination and the number selected on the results thereof are shown below:-

	Number selected.		
Madras Ministerial Service.	Madras. Judicial Ministerial Service.	Madras Secretariat Service.	Total.
86	3	7	106

Of the candidates selected for the Madras Secretariat Service, five were women.

Cont.

Six candidates were selected both for the Madras Secretariat Service and the MadrasMinisterial Service.

Note printed.

Posts of clerks in the Madras Ministerial Service and the Madras Judicial Ministerial Service for which security should be deposited.

Four candidates applied for admission to the competitive examinations and secured qualifying marks and they were selected for these posts.

Posts of women clerks, etc., in the Madras Ministerial Service for appointment in offices and institutions solely managed by or intended for women.

Eight candidates applied for appointment to posts of clerks etc., in office and institutions solely managed by or in ended for women. All ~~ethe~~ of them appeared for the examination. five secured qualifying marks and were selected.

Upper DIVISION CLERKS AND LOWER DIVISION CLERKS (OTHER THAN THOSE IN THE CENTRAL BRANCHES) IN THE MADRAS SECRETARIAT SERVICE.

As the new scheme of recruitment by competitive examination by means of a combined written and oral test had temporarily been held in abeyance, candidates for appointment to these posts were selected on the results of the same written test as that held for the recruitment of clerks etc., in the Madras Ministerial service and the Madras Judicial Ministerial Service.

The number of candidates admitted to the examination and the number selected on the results thereof and the communities to which the selected candidates belonged were as follows:-

	Upper division clerks	Lower Division Clerks.
Number of candidates admitted.....	37	105
Total number selected	22	91
Number selected under each community-		
Non Brahman (Hindus)	15	39
Brahmans	5	33
Christians	1	12
Muslims	1	7
Scheduled castes.	---	---

General Education Test of theS.S.L.C. Standard! - The competitive examination for recruitment to the ministerial Service referred to above was thrown open as a General Educational Test of the S.S.L.C. standard unpassed men already in service under the Provincial Government and to unpassed local board and municipal employees and to unpassed members of the ministerial staff of the Highways Department who were taken over from the District Board establishments and such of them has obtained the prescribed percentage of marks were declared eligible for promotion to higher posts or transfer to other services, or for promotion to higher posts or transfer to other services, or for confirmation or higher rates of pay (in the case of unqualified typists)

There were 530 applicants for this General Education Test and 64 of them obtained the prescribed p rcentage of marks.

Reports from examiners.

(Extracts from the reports of the examiners on the answer books valued by them are given in Appendix B*)

Special Tests - June 1946.- In the Agricultural Department Test, the Account Test for Public Works Department Officers and Subordinates, the Account Test for Executive Officers, and the Account Test for subordinate Officers, Part II, the examiners

examiners pointed out improvement in the answers, but in the Revenue Test the general standard was low. The usual tendency to quote verbatim, inability to express succinctly and satisfactorily the matter required to be set out with the aid of books, failure to read and understand the questions and inability to cope with questions which involved anything more than blind copying were some of the defects reported by the examiners In the Account Test for Subordinate Sec Officers, Part I, the examiner pointed out that the knowledge or rules possessed by the candidates continued to be poor.

Special Tests - December 1946 .- There was improvement in the Standard of the answers in some of the Tests but the candidates in general did not attempt to summarize the salient points, in answers of suita le proportions. The tendency to copy from books wholesale without regard to relevancy or the scope of the questions was noticeable in the answers in almost all the tests. In the Revenue Test, Part III, there were curious and haphazard guesses in the answers. In the paper on the Indian Evidence Act of the Criminal Judicial Test, Part II the examiner remarked that the candidates knew no more law than what they had picked up from the newspapers. In the Account test for Subordinate Officers, Part I, the examiner reported that the candidates had not sufficient practical knowledge of the elementary principles of accounts.

Departmental Tests - June-July 1946 - Some of the defects in the answers noticed by the examiners were that the candidates had not taken pains to prepare themselves properly, that they continued to copy verbatim from the books, that they had not assimilated the rules with a view to practical application, that their power of expression was poor and that they were unable to give answers concisely and to the point. In regard to the Language Tests the examiners reported that the candidates had not studied the text-books properly and that they committed mistakes of grammer and idiom.

Departmental Tests - December 1946- January 1947. The examiners in some of the test reported that the answers of the candidates were satisfactory, while the examiners in certain others reported that the answers were unsatisfactory. Importing irrelevant matter into the answers, neglect of practical work, lack of adjustment of time, failure to understand the questions properly, want of an intelligent study of the books prescribed and defective expression were faults noticed by the examiners In the Language Tests, the answers disclosed bad spelling, mistakes of grammar and idiom and ignorance of the language.

Madras Miniterial Service, etc., 1946.- The position revealed by the examiners reports may be summarized as follows:-

The general level of performance of the candidates in English composition as evidenced by the anwers continued to be unsatisfactory. The examiners attributed this to defective teaching of the English language in the High Schools.

In the General Knowledge paper also the candidate's English was not satisfactory. Answers abounded in bad spelling and dsplayed poverty of expression and ignorance of grammar.

In Precis-writing the standard of performance was extremely poor, and most of the candidates had no idea of the proper way to write a precis.

In the Translation and Composition paper, the standard of the answers was on the whole fair.

In the case of most of the candidates, essay-writing betrayed lack of ideas and originality of thought. Their knowledge of English idioms, grammar and spelling was deplorable.

V. STATUTORY RULES, REGULATIONS, ETC.,

(i) Promulgation and amendments

Statutory rules or amendments to them were issued by the Governments in 214 cases during the year. In respect of 78 of these the Commission was consulted before the rules were issued. Many of the rest were amendments of a routine nature. Excluding such routine cases, there were 83 cases in ~~of a~~ which the Commission was not consulted. These cases (with one exception relating to the temporary post of Chief Accountant in the Govenment off FActory, Calicut) related either to posts excluded from the purview of the Commission or to matters in respect of which under section 266(3) of the Government of India Act, 1935, it was not necessary for the Commission to be consulted.

(ii) Relaxations.

There were 223 cases in which the Statutory Rules were relaxed by the Government under section 241 (5) of the Government of India Act, 1935 of these 39 cases related to the relaxation of the prescribed qualifications in favour of persons not in Government service.

(iii) Check against violations - Scrutiny by the Commission of appointments and promotions made by the appointing authorities.

(a) The following statement shows the number of cases in each department in which appointments and promotions made by the appoing authorities were found by the Commission to have been made in contravention of the Statutory Rules. The irregularities were rectified at the instance of the Commission.

Department.	Number of cases.

(b) In November 1944, the Government appointed under the emergency provisions contained in general rule 9 (a) (i), certain Local Fund Assistant Engineers as temporary Assistant Engineers in the Madras Engineering Service. Concurrence of the Commission was necessary for the continuance of such temporary appointments beyond three months. Without obtaining such concurrence the Government relaxed the provisions of general rule 9(a) (iii) to enable the Local Fund Assistant Engineers to continue as temporary Assistant Engineers till their services were no longer required. Subsequently, the Government sought the Commission's concurrence for the continuance of the temporary appointments beyond three months. As more than twenty candidates whose names had been approved in consultation with the Commission for regular appointments as Assistant Engineers were available for such appointment, the Commission regretted its inability to agree to the continuance of these temporary appointments. The Commission stated that the relaxation of general rule 9(a)(iii) in such cases was beyond the scope of section 241 (5): for, the relaxation was made not in order to deal with the cases in a just and equitable manner within the meaning of that section, but in the public interest to supply a deficiency which could not be supplied in the ordinary mannerprescribed by the rules. The Commission suggested that if it was necessary to continue the temporary appointments on administrative grounds, viz., that the continued employment of those Local Fund Assistant Engineers on a temporary basis was necessary because of their experience in road works, the proper course was to amend the general rule 9(a) (iii) so as to enable the temporary appointments to be continued even though there were approved candidates available for regular appointment. The Government replied that the scope of section241 (5) was very wide and that it could be invoked in such cases also. They also suggested an alternatve, viz, that the temporary appointments might be made under general rule 9(d) and they sought the Commission's concurrence under regulation 18(b) of the Madras Public Service Commission Regulations for the making of such appointments without the ordinary statutory reference to the Commission. But appointments under general rule 9 (a) can only be made when a temporary post is created as an addition to the cadre of a service, class or category and the holder thereof is requiredby the Provincial Government to possess any special qualifications, knowledge or experience. The Commission therefore enquired whether the posts to which the temporary appointments had been made were of such a description and requested the Government to send to it a copy of the ad hoc rules or orders in which the posts had been specifically created as additions to the cadre of the Madras Engineering Service and the Government had specifically required the holders thereof to possess experience in road works. No reply was received to this enquiry or request. Presumably the Government found that the appointments did not fall within the scope of general rule 9 (d): for, they finally, accepted the Commission's original advice to amend the rules themselves; and in consultation with the Commission, issued in January 1947 ad hoc rules governing the appointment of Local Board Officers in the Public works department in a temporary capacity making general rule 9 (a) (iii) inoperative in respect of such appointments. These rules were given retrospective effect from 1st May 1948 and so the irregular appointments to which the Commission took exception were ultimately regularised.

(c) Under the Madras Public Service Commission Regulations, an appointment may be made on contract without consultation with the commission subject to the restriction that the Commission should be consulted before the contract is made or renewed in every case of appointment on contract which may involve a total period of service on contract in excess of five years.

In July 1946, the Government without consulting the Commission appointed a Director of Information and Publicity on

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on contract for a period of three years from the date of taking charge. In January 1947, they sent to the Commission an extract of the relevant clauses of the contract as required by G.O.No. 820, Public (Services), dated 2nd April 1946. It appeared from the terms of the contract that provision had been made in it for the extension of the period of appointment originally agreed upon " for such further periods ..... as may then be agreed upon." In view of this specific provision in the contract the Commission took the view that the appointment may involve a total period of service on contract inexcess of five years and informed the Government that the appointment was therefore irregular as it had been made without reference to the Commission. The Government in reply stated that the appointment was only for three years, that a specific request from the officer appointed for extension of the period of the period of the contract by three years at a time was negative by them, that it was not their present intention to extend the period of the contract by more than one year and that if, however, they did propose to extend the period of the contract by morethan two years, the Commission would be consulted before such extension was granted The fact remains that under the terms of the contract the appointment may involve a total period of service on contract in excess of five years and the appointment on such terms without reference to the Commission is, strictly speaking, irregular.

(d) In March 1947, the Board of Revenue (Excise) appointed certain officers as Inspectors of Excise from a list, approved in consultation with the Commission, of officers fit for such appointment arranged in order of merit. The appointment of one of the officers was made temporarily out of his turn in contravention of the order of merit. The reason adduced by the Board for such an appointment was that the officer was young and active and was considered suitable for Prohibition duty. The Commission pointed out to the Board that there was no provision in the statutory rules for making such an appointment for such a reason and that the temporary appointment made was irregular and should be terminated forthwith The Board, however, subsequently appointed also the officer who occupied a higher rank in the list and who had at first been passed over and stated that in view of the appointment there was no need to cancel the appointment already made out of turn.

(iv) Temporary appointment.

(a) During the year under report there were 6,042 cases (as against 4,974 cases in the previous year) in which the concurrence of the Commission was sought and given for the continuance beyond three months of temporary emergency appointments made by the appointing authorities in various department

In a large number of cases, the appointing authorities failed to obtain the concurrence of the Commission in sufficient time before the expiry of the three months' period as required by paragraph 2 of G.O.No.402 Public (Services), dated 9th January 1943. The attention of the appointing authorities concerned was drawn to this fact and they were asked to observe strictly in future the instructions contained in the Government Order.

(b) There were seventeen cases (against five cases last year) in which the appointing authorities did not follow the direction issued by the Government that the reasons for making temporary appointments or promotions (i.e., the nature of the emergency, etc.) should be recorded in the orders making the appointment of promotion. The Commission drew the attention of the authorities concerned to the ommission.

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(c) In three other cases (against four cases last y the Commission found that the rule under which temporary appo.nt-ments had been made was not correctly cited in the orders of a appointment. The Commission drew the attention of the authorities concerned to this mistake.

(v) Exclusion of posts from the Service Rules.

The conditions of service in the following posts were declared by the Government under the proviso to section 241 (2) of the Government of India Act, 1935, to be matters not suitable for regulation by rule:

(1) Overseers appointed under the Road Development Engineer in the Highways Department.

(2) Clerks employed in the office of the District Sailors, Soldiers' and Airmen's Boards.

(3) Propaganda Officer for Shark Liver Oil and Adami

(4) Special Officer, Firka Development Officer, Village Development Officers, lower division clerks, godown keepers, sanctioned for Rural Reconstruction Scheme.

(5) Provincial Rationing Officer, Provircial Motor Transport Controller and Chairman, Central Road, Traffic Board Deputy Provincial Rationing Officer, Assistant Provincial Rationing Officer, Assistant Secretary, Central Raod Traffic Board, Technical Officer and Area Rationing Officers.

(6) Secretary to the Madras Provincial Sailor's Soldiers' and Airmen's Board

(vi) Appointments made under Regulation 18(b) of the Madras Public Service Commission Regulations, 1937.

In the following cases, the Commission's concurrence was sought and given under the latter part of Regulation 18 (b) of the Madras Public Service Commission Regulations, for the making of appointments without the ~~XXXXX~~ Ordinary statutory reference to the Commission required by section 266(3)(b) of the Government of India Act:-

1. Assistant Research Officer, Madras Engineering Serv:

2. Ministerial Posts in the Highways Department (two c:

3. Matrons I, II and III grades, Madras Medical Servic: (Branch II Nursing).

4. Sister Tutor I and II grades, Madras Medical Servic: (Branch II Nursing).

5. Staff (clerks and peons) employed in the District Sailors', Soliers' and Airmen's Board.

6. Assistant National Saving Circle Officers (five cases)

7. Area Rationing Officers (two cases).

8. Accounts Officers, Madras Agricultural Service.

9. Rural Reconstruction Special Officer

10. Lower division clerks (Rural Reconstruction) (three cases)

11. Special Officer for the Re-organization of the Department of Indian Medicine.

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12. Acting lower division clerk, Madras Ministerial Service.

13. Upper division clerk, Finance Secretariat.

14. Technical Officer and Assistant Provincial Motor Transport Controller.

15. Accounts Officer, Highways Department.

16. District Fire Officers.

17. Ministerial Posts in the Madras Fire Service.

18. Assistant Secretary to the Provincial Rationing Officer and Area Rationing Officer.

19. Private Secretary to Honourable the Prime Minister.

20. Assistant Secretary to the Secretary, Cabinet Committee (Nationalising Motor Transport)

21. Typist, Madras Ministerial Service.

22. Clerk, Revenue Department, Madras Ministerial Service.

23. Assistant Provincial Motor Transport Controller.

24. Accunts Officer, Co-operative Labour Contract Societies and work-shops for Ex-Service men.

25. Assistant Coal Controller.

26. Secretary, Madras Provincial Sailors', Soldiers' and Airmen Board.

27. Superintendent of Training and Demonstration in Tanning (Industries Department

28. Transport Officer for the Madras Government Bus Service.

29. Divisional Electrical Engineer, Madras Electrical Service

30. Regional Transport Officer and Assistant Secretary to the Provincial Rationing Officer.

31. Special Officer for Provincial Broadcasting.

32. Assistant Engineers, Highways Department.

33. Assistant Secretary to Central Road Traffic Board

VI RECRUITMENT TO THE SERVICES.

Direct ~~xxxxxxxxx~~ recruitment by competitive examination comprising an oral test in the shape of an interview during 1946-47.

During the year under report the Commission selected candidates by competitive examination comprising only an oral test in the shape of an inte view for direct recruitment to 23 classes of posts in the Provincial and Subordinate Services (as against 29 in the previous year). The posts for which the selections were made are given in *Appendix"C" together with particulars regarding the number of candidates who applied, the number qualified and examined, the number selected and the qualifications of the selected candidates The total number of applicants examined was 562 (as against 717 in the previous year)

Recruitment to Provincial Services by transfer from the corresponding Subordinate Service.

During the year under report the Commission dealt with 33

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reference relating to the Provincial Services (as against 41 in .ne Previous year) and either drew up approved lists of officers of th corresponding subordinate services who were qualified and suitable for appointment to the Provincial Services or advised on the suitability of officers nominated for such appointm

Madras Agricultural Service.
Madras Civil Service (Executive Branch)
Madras Co-operative Service.
Madras Educational Service.
Madras Electirical Service.
Madras Excise Service.
Madras General Service.
Madras Industries Service.
Madras Jail Service.
Madras Medical Service.
Madras Police Service.
Madras Registration Service.
Madras Survey and Land Records Service.
Madras Veterinary Service.

VII . ASSISTANCE RENDERED TO GOVERNMENT.

As desired by the Provincial Government, a Member of the Commission served on the Committee appointed to assist them in the selection of candidates for scholarships for technical studies abroad.

VIII. PAUCITY OF QUALIFIED AND SUITABLE CANDIDATES FOR CERTAIN POSTS.

(a) There were no qualified and suitable applicants for the following posts:-

(1) Junior Instructor in Electrical Engineering, Madras Educational Service.

(2) Assistant Inspectoress of Factories, Madras Factory Servic

(3) Superintendent, Government Museum and Associate Librarian of the Connemara Public Library.

(4) Assistant (Nursing) to the Surgeon-General, Madras Medical Service.

(5) Lecturer in Arabic, Persian Urdu.

(b) In the following cases the number of applicants was small and so the filed of selection on a competitive basis was limited:-

	Number of	
	Post advertised (1)	qualified applicants. (2)
1. Professor, Law College, Madras, Madras Educational Service		
2. Lecturer in Demestic science, Madras Educational Service.		
3. Manager, Government Automobile Workshops, Madras General Service.		
4. Chief Accountant of the System Offices of the Electricity Department, Madras General Service.		

5. Radio Supervisors, Madras Engineering Subordinate Service.	26	26
6. Bio-Chemist, Madras Fisheries Subordinate Service	1	1
7. Assistant Superintendent, Cinchona Department Madras General Subordinate Service	1	3
8. Women Sub-Assistant Surgeon. Madras Medical Subordinate Service.	1	12

IX. APPEALS, PROPOSALS FOR DISCIPLINARY ACTION, ETC.

The Commission advised on 26 appeals, 10 memorials, 7 proposals for dsiciplinary action, 2 cases relating to reimbursement of the cost of defence incurred by public servants and 13 reference relating to the grant of pension (as against 12 appeals, 7 proposals for disciplinary action, I case relating to reimbursement of the cost of defence incurred by public servants and 12 references relating to the grant of pension in the previous year).

X RECRUITMENT OF CANDIDATES WITH WAR SERVICE.

The Commission commenced the oral tests for the recruitment of candidates with war service in vacancies in the subordinate services reserved for them in April1946 and continued the oral tests in August 1946. The number of candidates selected was 178 in April 1946 and 561 in August 1946. For similar vacancies in the Provincial Services oral tests were tests were commenced in October 1946. Since then, however, the work has been held in abeyance and no lists of candidates for appointment have been drawn up for the Provincial Services as the Government ordered in September 1946 that all proceedings in regard to the recruitment of candidates with war service should be suspended pending the issue of revised orders on the reservation of vacancies for such candidates.

The revised orders of the Government have since been issued limiting the number of vacancies to be filled by candidates with war service to about two-thirds of the total number of vacancies originally reserved and the Commission is proceeding with the arrangement to resume the oral tests for their recruitment.

XI. The GOVERNMENT AND THE RECOMMENDATIONS OF THE COMMISSION.

(i) In April 1946 the Commission considered the suitability of certain candidates for appointment by transfer as Matrons in the Madras Medical Service and recommended six of them as fit for such appointment. Although both the head of the department concerned and the Commission were agreed that the Seniormost of the six candidates should be assigned the fifth place in order of preference on the basis of her record and comparative merit the Government assigned her the first place on the ground that the latest confidential report on her which the Commission had taken into account when it made its recommendations) wheeet- showed that she had improved in her administrative capacity, that she was a good type of sister, that she was efficient enough for promotions as Matron and that it would be an injustice to her if she was not assigned the first place.

(ii) In 1941, the Government sanctioned a pension of Rs.5 to the son of a Sub-Inspector of Police who had been murdered by a mob while on duty. The sub-Inspector's wife and daughters had also been granted pensions. The pension to the son was payavle until he attained the age of 18. When he attained that age, the pension was stopped. He requested that the pension might be continued. The Inspector-General of Police recommended that as he was studying in the SeniorIntermediate Class and wished to continue his studies till

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till he completed his B.A.degree course, the pension might be continued for a further period of three years or till he passed the B.A. degree examination whichever was earlier. The matter was referred to the Commission for advice and the Commission supported the recommendation of the Inspector-General of Police.

The Government, however, rejected the advice of the commission and declined to continue the pension, on the ground that a relaxation of the rules in the cases of the kind had not been allowed so far and that the continuance of the pension if sanctioned would create an undesirable precedent. They added that the financial circumstances of the family did not warrant the exceptional course of relaxing the rules and that the family ought to be able with the exercise of some economy to make up the Rs. 5 per mensem which it lost.

(iii) In 1934, the Government under the Civil Service Regulations had sanctioned a monthly pension of Rs.49, to the eldest son of a Sub-Inspector of Police who had been killed in the discharge of his duties during a riot. This pension was for the maintenance of the Sub-Inspector's wife and children and was payable for a period of 12 years. When the pension lapsed the widow requested that the pension might be continued till her death. The Inspector-General of Police recommended that the widow might be granted a pension of Rs.49 per mensem for six years or until her death whichever was earlier. The matter was referred to the Commission for advice and the Commission supported the recommendation made by the Inspector-General of Police.

The Government stated that under the Extraordinary Pension Rules which had superseded the corresponding provisions of the Civil Service Regulations, the widow would not be eligible for the whole amount of Rs.49 but only for Rs.31-10-8. They enquired whether the commission agreed to the grant of this lower amount. The Commission replied that is intention was that the original amount, of Rs.49 per sem should be granted after a relaxation of the Extraordinary Pension Rules, in view of the fact that the widow had run into debt on account of her daughter's marriage and of the high cost of living.

The Government, however, rejected the Commission's advice and sanctioned the lower amount on the ground that the re-grant of the pension to the widow was in itself in the nature of a concession and that the circumstances of her case did not require the grant of any further concessions.

(iv) In may 1946, the Commission considered the suitability of three candidates for appointment by transfer as Inspectresses of Girls' Schools and Superintendents in the Madras Educational Service (Women's Branch) and recommended their names for inclusion in the approved list. Though the Commission and the head of the department concerned were in agreement as to the suitability of all the three candidates, the Government did not include in the list one of them who was the seniormost and who had been assigned the third rank by the Commission. The reason given by the Government fordeviating from the Commission's advice was that the condiential records of the candidate were against her. The Commission's advice was given after a consideration of her confidential records and the recommendations of the head of the department, and the reason given by the Government for deviating from it cannot be regarded as imperative or as involving a matter of policy, which alone could justify a deviation from the Commission's advice according to established convention.

(v) In a disciplinary case relating to a gazetted officer in the Education department, the Special Officer (Departmental Enquirees) who conducted the enquiry recommended that the officer's pay should be reduced by two stages. The Commission held that the punishment recommended by the Special Officer was decidedly inadequate. It advised that the offences in respect of the proved charges would amply justify dismissal outright but that in view of the officers' long serviceand previous record almost uniformly good, he should be removed from service for misconduct and granted a compassionate allowance under Article 353, Civil Service Regulations. The Government decided to dismiss him from service without compassionate allowance for the reasons that the officer's previous record was blotted out by the offences involving grave moral turpitude revealed by the enquiry and that the long service should not be taken as a factor in mitigation in this case, where the principle shoudd rather be that the longer the service and higher the status of the officer, the more exacting were the standards expected.

(vi) In July1943, the Government sanctioned the creation of a gazetted post of Tinctorial Chemist for the conduct of research on the extraction and standardization of vegetable dyes. The post was advertised by the Government and an officer was selected and appointed by them on contract. This officer was subsequently deputed to the United Kingdom for higher studies in Applied Chemistry. For the resulting vacancy, the names of certain candidates whose applications were already before the the Director of Industries and Commerce were considered by him and he suggested a candidate The Professor and Head of the Department of Chemistry of the Andhra University who was the Honorary Dirctor of the scheme of research on vegetable dyes and in consultation with whom the Director of Industries and Commerce had been requested to make the selection, suggested a different candidate. The Government sent to the Commission the names of these two candidates in August 1946 and requested it to interview them and advice on their suitability. This, the Commission did in September 1946. In January 1947 the Government informed the Commission that no action was taken on the Commission's advice in view of the impending return of the officer who irignally held the post and who had been deputed to the United Kingdon.

(vii) A Civil Assistant Surgeon is bound, according to the conditions of his service embodied in the statutory rules, to do duty, civil or military including field service, beyond the Province of Madras. In 1942, a Civil Assistant Surgeon refused to do such duty when called upon to do so. The Commission advised that the only appropriate penalty for such refusal in the middle of a war was dismissal. The Government accepted the advice and dismissed him from service . His appeal and subseqent memorial to his Excellency the Governor were rejected. Four years later, he submitted a petition to the Government for a reconsideration of the previous orders and his restoration to his appointment

Contd.

appointment as Civil Assistant Surgeon. This petition was referred to the Commission for advice. The Commission took the view that his petition on the same facts did not lie, that it was belated and that no fresh question had arisen. It accordingly adhered to the advice which it had already given in 1942. In February 1947, His Excellency the Governor, having consulted his Ministers, cancelled the order of dismissal and reinstated him in Service as a Civil Assistant Surgeon with retrospective effect from 10th March 1942 wi with his original seniority and directed him confirmation in the post.

(viii) The Government referred to the Commission for advice a claim made by an officer that the costs incurred by him in defending certain criminal proceedings instituted against him should be paid out of the revenues of the Province. The officer had been acquitted by the High Court, in revision. The Order of dismissal which had been passed against him had been cancelled and he had been permitted to retire on pension. The Government had also given him full pay and allowances until the date of retirement on the ground that the judgment of the High Court amounted to honourable acquittal. In view of this opinion of the Government, the Commission stated that the only advice which it could give was that the cost incurred by him in defending the criminal proceedings (for which there were vouchers) should also be paid to him. The Government, however, rejected the claim of the Officer. They stated that his acquittal was more on account of the fact that the evidence adduced against him was technically inadmissible under the Evidence Act and that the officer could not be said to have acted bonafide in good faith in the cases which resulted in the criminal proceedings. The Government apprarently changed their original view that he had been honourably acquitted.

(ix) A candidate approved by the Commission in 1942 for appointment as clerk in the office of the Board of Revenue, Madras, was dismissed from the Board in September 1942 for use of insubordinate and abusive language in a letter in which he resigned his appointment. On a petition made by the candidate in 1946, the Government proposed to reinstate him in service and requested the Commission's concurrence for excluding the proposed appointment from its purview with reference to Regulations, ~~1937.~~ 18 (b) of the Madras Public Service Commission Regulations, 1937. The Commission pointed out that as no reference was made the Satyagraha or the Civil Disobedience Movement in the Board's proceedings dismissieng him and as the dismissal was for the use of insubordinate language, it was not an appropriate case for Commission's concurrence under Regulation 18(b) of the Madras Public Service Commission Regulations, 1937. The Government did not agree with the Commis ion but proposed to appoint him as clerk by issuing a regulation under section 266(3) of the Government of India ACt, 1935, and accordingly had a regulation issued excluding the post from the purview of the Commission.

C.KRISHNASWAMI CHETTI,
Secretary, Madras Public Service Commission.

Order - No, 2945, Public (Services) , dated 23rd September 1947.

Recorded.
(By order of His Excellency the Governor)

K.RAMUNNI MENON
Chief Secretary to Government.

To the Secretary, Madras Public Service Commission (10 copies)
To the Departments of the Secretariat (including Governor's Secretariat, but excluding Legal)

P.T.O.

To the Consul for the United States of America at Madras.
To the Principal Information Officer, Bureau of Public Information, Government of India "Cassim Terrace, "7, Woods Road, Mount Road, Madras.

(True copy)

S. Jeyaraman
Office Assistant,
Madras Record Office.

RW
21/7/64